

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MIKLE L. TURNER,

Plaintiff,

VS.

PEPSICO, INC., et al.,

Defendants.

Case No. 4:25 CV 490 RWS

MEMORANDUM AND ORDER

This newly-removed case is before me on my continued review for subject matter jurisdiction. In support of its notice of removal, defendant PepsiCo, Inc. alleges that complete diversity of citizenship between the parties exists because “named defendant Pepsi Cola Bottling Group d/b/a Pepsi Beverages Company is not listed on the Missouri Secretary of State’s website, let alone an alleged, Missouri corporation. Moreover, it appears that this purported entity has been sued as an alleged fictitious name. Therefore, this entity should be disregarded for purposes of removal.” ECF 1. I required plaintiff to respond to this allegation. ECF 7. Plaintiff responded that the owner of the property is Pepsi-Cola General Bottlers, Inc., that entity is “inactive and merged,” and it is unclear with whom it merged. ECF 11. Plaintiff then states that he sued the “Pepsi Beverages Company” because that it is the name which appears in online searches at the

property where plaintiff was injured. *Id.* It was also sued as a defendant in another case. *Id.* Defendant PepsiCo, Inc. then filed its answer to plaintiff's petition denying the allegation in paragraph 4 that "defendants were the owner and/or possessor of the property at Union 70 Center Drive in the City of St. Louis, Missouri." ECF 12.

PepsiCo cannot assert that this Court has diversity jurisdiction over this case, deny it has any ownership interests in the Pepsi property where plaintiff was injured, and also refuse to identify the correct Pepsi entity or entities which own/possess this property. Plaintiff was injured when he came to the Pepsi property at 1 Union 70 Center Drive, St. Louis, Missouri 63120 for a delivery.

Accordingly,

IT IS HEREBY ORDERED that defendant PepsiCo Inc. must identify the correct corporate entity or entities to be named as defendants in this lawsuit no later than **May 12, 2025**.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippe", is written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 7th day of May, 2025.